

ENTERED

August 02, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

J&J SPORTS PRODUCTIONS, INC.,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-16-1975
	§	
LEROY PERALES, INDIVIDUALLY AND	§	
D/B/A OASIS LOUNGE,	§	
<i>Defendant.</i>	§	

MEMORANDUM AND RECOMMENDATION

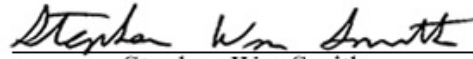
This anti-piracy case brought pursuant to the Federal Communications Act of 1934 is now before the court on plaintiff's motion for summary judgment (Dkt. 20). Defendant did not file a timely response.

Plaintiff has shown that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553, 605. It has presented evidence that on September 14, 2013 defendant displayed without authorization the Floyd Mayweather Jr. v. Saul Alvarez WBC Middleweight Championship Fight Program, a pay-per-view event. The event was shown on multiple televisions to an audience of approximately 50 persons, each of whom paid a cover charge of \$5.00. The commercial sublicense fee for an establishment seating 100-200 patrons was \$4,200 for this event.

Based on the evidence of record, the court recommends that summary judgment be entered in favor of J&J Productions, Inc. against defendant in the amount of \$9,200 for statutory damages under 47 U.S.C. § 605(e)(3)(C)(i) and (ii); \$2,000.00 for attorneys' fees; and post-judgment interest at the effective rate on date of entry of judgment.

The parties have 14 days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. CIV. P. 72.

Signed at Houston, Texas on August 2, 2017.


Stephen Wm Smith
United States Magistrate Judge